

REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Office Action dated April 9, 2010 (U.S. Patent Office Paper No. 20100403). In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

As outlined above, claims 1-49 stand for consideration in this application, wherein claims 2, 7, and 29 are being amended to improve form. All amendments to the application are fully supported therein. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

Examiner Interview Summary

An interview was held with Supervising Examiner Flynn on July 6, 2010, relating to the above-identified application. During the interview, arguments were presented as to why the references cited in rejections under 35 U.S.C. §103(a) presented in the Office Action fail to include any teaching or suggestion of the limitation of a session control server comprising “means for detecting based on a session control message communicated between said at least two terminal devices, a change in status information on a user of said one of said at least two terminal devices or on said one of said at least two terminal devices” as required by independent claim 1 and, similarly, fail to teach any of the similar limitations recited in each of the other independent claims of the present application. Following the discussion, Supervising Examiner Flynn stated that the rejections under 35 U.S.C. §103(a) would be withdrawn upon Applicants’ submission of a formal response to the Office Action, that a new search of the prior art would be conducted, and that, upon the issuance of any next office action, this next office action would be non-final.

Formality Rejection

Claims 29-31 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In particular, Examiner stated that the claimed recitation of “[a] computer readable recording medium” was broad enough to be interpreted as a signal alone. As set forth above, claim 29 is being amended to recite “[a] non-transitory computer readable

recording medium” in accordance with the Examiner’s suggestion on page 3 of the Office Action, thereby rendering moot and/or obviating the rejections under 35 U.S.C. §101.

Prior Art Rejections

The Examiner rejected claims 1-3, 6, and 32-37 under 35 U.S.C. §103(a) as being unpatentable over Aravamudan (U.S. Patent No. 6,301,609) in view of Manabe (U.S. Patent Application Pub. No. 2003/0154251). The Examiner rejected claims 4 and 5 under 35 U.S.C. §103(a) as being unpatentable over Aravamudan in view of Manabe, and in further view of Endress (U.S. Patent No. 6,895,554). The Examiner rejected claims 7-31 and 38-49 under 35 U.S.C. §103(a) as being unpatentable over Aravamudan in view of Manabe, and in further view of Kammerer (U.S. Patent Application Pub. No. 2004/0205175). Applicants have reviewed the above-noted rejections, and hereby respectfully traverse.

As outlined above, claims 1-49 remain of record. A proper obviousness rejection that relies on a combination of prior art elements requires establishing that the prior art references, when combined, teach or suggest all of the claim limitations. MPEP §2143. Furthermore, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385 (C.C.P.A. 1970). That is, to render a claim obvious under 35 U.S.C. §103, a determination must be made that the claimed invention “as a whole” would have been obvious to person of ordinary skill in the art when the invention was unknown and just before it was made. MPEP §2142.

Accordingly, Applicants respectfully submit that Aravamudan, either alone or in combination with Manabe, Endress, and/or Kammerer, fails to teach, suggest, or disclose each and every limitation of claims 1-49. For example, none of the cited references teach or suggest “means for **detecting based on a session control message communicated between said at least two terminal devices, a change in status information** on a user of said one of said at least two terminal devices or on said one of said at least two terminal devices” as required by independent claim 1. As noted by the Examiner on pages 4-5 of the Office Action, Aravamudan fails to include any teaching or suggestion of this required limitation of claim 1. Instead, the Examiner Manabe as disclosing this required limitation of claim 1. Applicants respectfully disagree.

In contrast to claim 1, Manabe describes a “for promoting smooth communications in a chat system” in which “[a] keyword list 3 stores keywords. A keyword-detection module 2 detects the sending of any keyword from another user terminal on any channel. A status-

detection system 4, in response to the detection of a keyword, judges user status based on the status of the user terminal. A reporting module 9 sends the user status to the channel on which the keyword was sent.” (Abstract). Manabe explains the operation of such a system in paragraph [0075]: “The keyword-detection module 2 acquires from the chat client **the remarks** in the channel in which the chat client is participating. The keyword-detection module 2 judges whether the acquired remark is sent from another user terminal or inputted by the local terminal. If it is a remark from another user terminal, the keyword-detection module 2 **judges whether a keyword registered by the user is included in the acquired remark**. This decision is made based on the keyword list 3, which is discussed later. If a keyword is included in the remark, the keyword-detection module 2 instructs the status-detection section 4 to detect the user status. This instruction is executed by the keyword-detection module 2 notifying the status-detection section 4 of the name of the channel on which the keyword was uttered, and the nickname of **the user that uttered the keyword**.” (Emphasis added).

It is clear that Manabe fails to include any mention or suggestion of any session control message communicated between said at least two terminal devices. Rather, Manabe simply describes a keyword-detection module that detects keywords that are registered by users in remarks written by a user and transmitted to another user during a chat session conversation. The set of chat remarks uttered by a user in a chat session, as provided in Manabe, is clearly not a session control message, as required by claim 1. This is made explicitly clear throughout the disclosure of Manabe. For instance, in paragraph [0076], Manabe explains that “[p]resumably, users normally register their real names and nicknames” in the keyword list 3. Figures 5A-8 of Manabe, along with the accompanying description in paragraphs [0084-88], clearly illustrate that the keyword-detection module 2 operates to detect keywords (such as user nicknames) **in the actual content of the conversation between users in a chat session (that is, the transcript of chat remarks)**. A local client terminal that instructs a status-detection section to detect a status of the user of the client terminal upon detecting a keyword uttered in the transcript of a chat session conversation that matches a keyword registered by the user, as described in Manabe, is clearly not a means for detecting, based on a session control message communicated between at least two terminal devices, a change in status information on a user of the one of said at least two terminal devices or on one of the at least two terminal devices, as required by claim 1.

Moreover, as previously addressed by Applicants, neither Kammerer nor Endress includes any mention or suggestion of any means included on a session control server for detecting, based on a session control message communicated between at least two terminal devices, a change in status information on a user of one of the terminal devices or on one of the terminal devices, as required by claim 1. Accordingly, none of the cited references teach or suggest “means for detecting based on a session control message communicated between said at least two terminal devices, a change in status information on a user of said one of said at least two terminal devices or on said one of said at least two terminal devices” as required by claim 1.

Nevertheless, even were Aravamudan in combination with Manabe, Endress, and/or Kammerer to teach or suggest all of the limitations of claim 1, “a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007). Rather, a “convincing line of reasoning supporting rejection” must be presented. MPEP §2144. The analysis supporting an obviousness rejection should be made explicit, and it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements **in the way the claimed new invention does.**” *KSR*, 127 S. Ct. at 1741 (Emphasis added). Moreover, “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.” MPEP §2141.02 (emphasis in original).

In particular, the rationale to support a conclusion that a claim would have been obvious is that “a person of ordinary skill in the art would have been motivated to combine the prior art **to achieve the claimed invention** and that there would have been a reasonable expectation of success.” *DyStar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Co.*, 464 F.3d 1356, 1360 (Fed. Cir. 2006) (emphasis added). That is, a proper obviousness rejection that relies on a combination of prior art elements requires that “one skilled in the art **could have combined the elements as claimed by known methods with no change in their respective functions.**” MPEP 2143.02 (emphasis added). “If any of these findings cannot be made, then this rationale cannot be used to support a conclusion that the claim would have been obvious to one of ordinary skill in the art.” MPEP 2143. Accordingly, Applicant respectfully submits that there is no teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to combine the prior art reference teachings to arrive at the claimed invention.

In particular, Applicants note that, on page 4 of the Office Action, that the Examiner cited the IM server 130 in Figures 1 and 2 of Aravamudan as teaching “a session control server controlling a communication session created between at least two terminal devices” as required by claim 1, stating that “the IM server interfaces and services the client via the client’s CPE and the client’s proxy presence within the Communication Services Platform (CSP) 160.” Applicants note, however, that the IM server 130 as described in Aravamudan is not involved in relaying any session control messages communicated in a communication session between the client 140 and another terminal. Rather, the instant messaging features of the IM server provided in Aravamudan are merely “used for communications between the user and the communication services platform’s user proxy.” (Abstract).

For communication sessions between the client 140 and other terminals in which session control messages may be communicated, Aravamudan explains that “[a] service provider 120 provides client access to one or more networks for communication and data exchange via a plurality of client premises equipment (CPE) 140.... **Communications and data are bi-directionally exchanged between the client’s CPE 140 and the service provider** via a PSTN switching module 124 and/or a packet routing/switching module 122....The service provider 120, accesses the PSTN or Internet backbone for bidirectional information delivery/retrieval 134 and communications transmission 132 for a plurality of clients’ CPE.” (Col. 3, ll. 28-52) (emphasis added). Aravamudan then explains that that the client is registered with **the IM server 130 for the Instant Message service** and with the service provider 120 for data and communication access over multiple networks. (Col. 5, ll. 7-8).

Regarding the IM server 130, Aravamudan explains that “the location of a subscribing client (that is, a client subscribing to both the IM service and the multiple network access provided by the service provider 120) is located by the CSP 160, the CSP initiates communications to the subscribing client via instant messages, and the CSP solicits a response from the subscribing client.” (Col. 5, ll. 25-31). Aravamudan further explains that “the user initially logs onto the network utilizing one of user’s client premises equipment (CPE) devices. The client software installed on the accessing CPE device detects network connectivity, in accordance with step 232. The client CPE software generates a message indicating user’s online status and current user address, and in accordance with step 234, conveys the message to the Instant Message (IM) server, indicating the user’s online presence and address....The IM server then notifies the CSP of the user’s online presence and address,

in accordance with step 236. The IM server also notifies selected buddies to the user of the users presence online. In step 238, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached.” (Col. 7, ll. 1-20).

Thus, Aravamudan clearly describes that the IM server 130 is merely used to allow the CSP 160 to poll the client CPE 140 for a presence of the client and to notify the CSP 160 of messages conveyed by the client reporting the client’s presence, while the service provider 120 is used for the actual communication and data exchange in communication sessions created between the client and other terminals. Therefore, even were another prior art to teach or disclose a “means for detecting based on a session control message communicated between said at least two terminal devices, a change in status information on a user of said one of said at least two terminal devices or on said one of said at least two terminal devices” as required by claim 1, a modification of the IM server 130 described in Aravamudan to include such a means would render both the IM server 130 and this other prior art reference unsatisfactory for their intended purposes. Specifically, the means for detecting a change in status information based on a session control message communicated between said at least two terminal devices would never actually detect any change in status information, as the IM server 130 of Aravamudan is not utilized for the actual communication and data exchange in communication sessions created between the client and other terminals. Furthermore, the IM server 130 of Aravamudan, cited by the Examiner as comprising a “means for notifying said presence serve (CSP) of an update request for the status information when the change in the status information is detected” on page 4 of the Office Action, would never actually notify the CSP 160 of any such change in the status information because, as discussed above, no such change could ever be detected by the IM server 130 as modified by the combination proposed by the Examiner.

As explained in section 2143 of the MPEP, to reject a claim based on a rationale of combining prior art elements according to known methods to yield predictable results, “Office personnel must articulate...a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, **with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference.**” (Emphasis added). Moreover, section 2143.01 of MPEP explains that “[i]f proposed modification would render the prior art invention being modified

unsatisfactory for its intended purpose, then **there is no suggestion or motivation to make the proposed modification.**” (Emphasis added).

Furthermore, Applicants note that the disclosure of Aravamudan is specifically directed to a communication system that employs an IM server 130 merely to allow a client to provide user presence and user preference updates to a Communication Services Platform (CSP) that operates in conjunction with service provider 120 that already handles communication and data exchange between the client and other clients. Thus, any session control messages transmitted in a communication between the client and any other clients in the system disclosed in Aravamudan would be handled by the server provider 120 and not the IM server 130. Because the IM server described in Aravamudan thus cannot implement a “means for detecting based on a session control message communicated between said at least two terminal devices, a change in status information on a user of said one of said at least two terminal devices or on said one of said at least two terminal devices,” as required by claim 1, in a manner that would permit any actual detecting of a change in status information, it is clear that Aravamudan teaches away from any such modification of the IM server 130. As explained by the U.S. Supreme Court, “when the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious.” *KSR*, 127 S. Ct. at 1740.

Therefore, even were there to be another prior art reference that teaches a “means for detecting based on a session control message communicated between said at least two terminal devices, a change in status information on a user of said one of said at least two terminal devices or on said one of said at least two terminal devices,” for at least the reasons that modifying the IM server 130 described in Aravamudan to include such a means would not combine these elements in the manner required by claim 1 with either any reasonable expectation of success or with no change in their respective functions and, in addition, would render both the IM server 130 of Aravamudan and this other prior art reference unsatisfactory for their intended purposes, Applicants respectfully submit that there is no teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to combine Aravamudan with such a prior art reference to arrive at the claimed invention. Furthermore, Applicants respectfully submit that a person of ordinary skill in the art would not have been motivated to modify Aravamudan achieve the claimed invention because the teachings of Aravamudan clearly lead away from the claimed invention of the present application.

For at least these reasons, Applicants respectfully submit that Aravamudan, either alone or in combination with Manabe, Endress, and/or Kammerer, fails to teach, disclose, or suggest each and every limitation of claim 1 and, therefore, that claim 1 is now in condition for allowance. For at least similar reasons to those discussed above with reference to claim 1, Applicants respectfully submit that Aravamudan, either alone or in combination with Manabe, Endress, and/or Kammerer, also fails to teach, disclose, or suggest any of the similar limitations of “means for detecting, based on the session control message transferred between the first and second terminal devices, a change in status information on a user of at least one of said first and second terminal devices” required by independent claim 2; “means for detecting a change in information on the status of the communication session based on the session control message included in the received packet and being transferred between the first and second terminal devices” required by independent claim 7; “means for detecting a change in information on the status of the communication session or in the address information based on a session control message communicated between the first and second terminal devices” required by independent claim 8; “an interface receiving a status information update message received from said session control server if the session control server detects a change in the communication session based on a session control message communicated between the at least two terminal devices” required by independent claim 23; “detecting a change in the status information based on a session control message communicated between the terminal devices” required by independent claim 24; “managing the communication session to detect a change in the status information based on a session control message communicated between the at least two terminal devices” required by independent claim 28; and “managing the communication session to detect a change in the status information based on a session control message communicated between the at least two terminal devices” required by independent claim 29. For at least these reasons, Applicants respectfully submit that Aravamudan, either alone or in combination with Manabe, Endress, and/or Kammerer, fails to teach, disclose, or suggest each and every limitation of any of claims 2, 7, 8, 23, 24, 28, and 29 and, therefore, that claims 2, 7, 8, 23, 24, 28, and 29 are also now in condition for allowance.

Where an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. *In re Fine*, 5 U.P.S.Q.2d 1596, 1598 (Fed. Cir. 1988). Because claims 3-6, 9-22, 25-27, and 30-49 each depends either directly or indirectly from one of claims 1, 2, 7, 8, 23, 24, 28, and 29, Applicants respectfully submit that Aravamudan,

either alone or in combination with Manabe, Endress, and/or Kammerer, does not render obvious claims 3-6, 9-22, 25-27, and 30-49 for at least the reasons set forth above that it does not render obvious claims 1, 2, 7, 8, 23, 24, 28, and 29 and, therefore, that claims 3-6, 9-22, 25-27, and 30-49 are also now in condition for allowance.

Therefore, Applicants respectfully submit that the present invention as claimed is distinguishable and thereby allowable over the prior art of record.

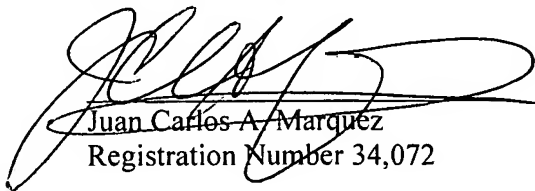
Conclusion

In view of all the above, Applicants respectfully submit that certain clear and distinct differences as discussed exist between the present invention as now claimed and the prior art references upon which the rejections in the Office Action rely. These differences are more than sufficient to establish that the present invention as now claimed would not have been anticipated nor rendered obvious given the prior art. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

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